



Patrick W. Turner
General Counsel-South Carolina
Legal Department

AT&T South Carolina
1600 Williams Street
Suite 5200
Columbia, SC 29201

T: 803.401.2900
F: 803.254.1731
patrick.turner.1@att.com
www.att.com

March 31, 2009

The Honorable Charles Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: Application of BellSouth Telecommunications, Inc. to Provide In-Region
InterLATA Services Pursuant to Section 271 of the Telecommunications
Act of 1996
Docket No. 2001-209-C

Dear Mr. Terreni:

BellSouth Telecommunications Inc. d/b/a AT&T South Carolina ("AT&T South Carolina") respectfully encloses for filing AT&T South Carolina's Response to CompSouth's Objection to Declaration of Force Majeure Event in the above-captioned matter.

By copy of this letter, I am serving all parties of record with a copy of this response as indicated on the attached Certificate of Service.

Sincerely,

Patrick W. Turner

PWT/nml

Enclosure

cc: All Parties of Record
732596

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

In Re:)	
)	
Application of BellSouth)	Docket No. 2001-209-C
Telecommunications, Inc. to Provide In-)	
Region InterLATA Services Pursuant to)	
Section 271 of the Telecommunications)	
Act of 1996)	

**AT&T SOUTH CAROLINA’S RESPONSE TO COMPSOUTH’S OBJECTION
TO DECLARATION OF FORCE MAJEURE EVENT**

In compliance with the thirty-day Notice issued in this docket, BellSouth Telecommunications, Inc., d/b/a AT&T South Carolina (“AT&T South Carolina”) respectfully submits its Response to the “Objection of the Competitive Carriers of the South, Inc. to AT&T’s Declaration of Force Majeure Event,” filed February 20, 2009 (“Objection”).

INTRODUCTION

On December 6, 2008, a large municipal water main broke under the street outside AT&T’s St. Louis data center, flooding the data center and causing a power outage that significantly damaged AT&T’s retail and wholesale operations and property. The flood prevented AT&T from meeting certain of its performance standards under state Performance Measure/Remedy Plans for several days, including the South Carolina Service Quality Measurement (“SQM”) and Self Effectuating Enforcement Mechanisms (“SEEM”) Administrative Plan. AT&T worked around the clock, incurring significant expense to promptly restore equipment and applications and to process wholesale requests, and by Tuesday morning, December 9, system operations were largely back to normal.

AT&T sent emergency notice to competitive local exchange carriers (CLECs) by email on December 7.¹ On December 8 and 9, AT&T notified CLECs in all regions of the flood and power outage by means of a series of “accessible letters” and hosted a conference call to discuss the current status of restoration efforts.² On December 10, 2008, AT&T issued an accessible letter updating each of the CLECs in its 22-state region — including the nine-state Southeast Region — about the event and alerting each CLEC that AT&T was assessing the impact of the outage on its operations and that AT&T might seek relief under applicable performance measurement and remedy plans at the appropriate time.³ On December 17, 2008, AT&T South Carolina filed a copy of the December 10 letter in this docket.

After AT&T analyzed the monthly performance data from December and calculated the potential SEEM obligations, AT&T notified the CLECs on February 10, 2009 that it would be filing a letter with the Southeast Region state commissions invoking the force majeure provisions of the SQM/SEEM Plan, as it had anticipated in its December 10, 2008 notice.⁴ AT&T South Carolina filed its notification letter with this Commission on February 11, 2009.⁵ CompSouth filed its Objection to the force majeure declaration in this Docket on February 20, asserting (i) that the St. Louis flood was not a force majeure event, even though the SEEM Plan expressly provides that a flood is a “force majeure” event; and (ii) that AT&T’s notice was not “prompt,” even though AT&T had immediately notified all Southeast Region CLECs in writing of the flood, its effect on AT&T’s operations, and the possibility of AT&T’s seeking relief under the applicable performance measurement and remedy plan.

¹ Exhibit A to this Response is a copy of this email.

² Exhibit B to this Response is a copy of these Accessible Letters.

³ Exhibit C to this Response is a copy of this Accessible Letter.

⁴ Exhibit D to this Response is a copy of this notification.

⁵ Exhibit E is a copy of this Letter.

As demonstrated below, AT&T's force majeure declaration was in full compliance with the terms of the South Carolina SEEM Plan. AT&T South Carolina, therefore, respectfully requests that the Commission overrule CompSouth's Objection and find that AT&T South Carolina properly invoked the force majeure provisions of the South Carolina SEEM Plan. The North Carolina Commission already has made such a ruling in an Order, issued March 10, 2009, that considers and rejects each of CompSouth's arguments and finds that AT&T's February 11, 2009 written notice to the North Carolina Commission of a Force Majeure Event was proper under the North Carolina SEEM Plan.⁶

BACKGROUND

Municipal Water Main Breaks Over the Weekend of December 6 and Floods the St. Louis Data Center

1. On Saturday afternoon, December 6, 2008, a massive rupture in a city-maintained 10-inch water main flooded the basement of the AT&T St. Louis Data Center, located at Ninth and Chestnut in St. Louis, Missouri (the "St. Louis Data Center" or "Data Center"), causing the total loss of commercial, and then generator, electrical power for the entire building.⁷

2. The St. Louis Data Center, like many buildings in downtown metropolitan areas, receives its electrical power through huge underground cables. The cables deliver power to the building's primary switch gear, which because of its size is typically housed in the basement or

⁶ Exhibit F to this Response is a copy of the North Carolina Commission's Order. CompSouth filed substantially identical objections in each of the state commissions for the nine-state Southeast Region. The North Carolina SEEM Plan is in all material respects the same as the South Carolina SEEM Plan.

⁷ The facts set forth in paragraphs 1 through 8 of this Response are supported by the affidavit of Ross Bawcum that was filed in the companion docket pending before the Kentucky Commission. Exhibit G to this Response is a copy of Mr. Bawcum's affidavit. The facts upon which AT&T South Carolina relies in this docket are the same as the facts to which Mr. Bawcum attested in the Kentucky docket.

sub-basement of large urban commercial buildings, often (as in this case) in more than one room. Four steel-tube electrical conduits carry the electric cables into the Data Center. Those cables run adjacent to, and above, the electrical switch gear, a common configuration for large urban buildings.

3. Water from the broken municipal main quickly filled an immediately adjacent underground electric utility vault, creating a pool of water under the street that was pressurized at approximately 60 psi (the pressure level for water mains in downtown St. Louis). The utility vault is constructed from brick, and the pressurized water quickly filled the vault and the conduits themselves by penetrating the voids in the mortar between the bricks. The pressurized water flowed directly into the building through the conduits and flooded the rooms in which the switch gear is housed with 14 inches of water.

4. The water main that broke — and caused the flooding and resulting power outage — is owned and maintained by the City of St. Louis. The water main break and resulting flooding of the switch gear were unforeseeable to AT&T and beyond AT&T's control.

5. The St. Louis Data Center has substantial redundancy and diversity for both commercial and generator power equipment, and is designed to protect against power outages from flooding caused by heavy rains, where water falls onto street and building surfaces and gravity causes it to flow through well-designed drainage systems.⁸ For example, the Data Center has backup generators on the penthouse level and on the roof that were not touched by the flood

⁸ Street flooding in downtown St. Louis is very rare due to these drainage systems, and while some incidental water seepage into electric utility vaults is not uncommon, it does not typically fill the vault and would not in any case cause the vault to become pressurized and threaten the seals to the conduits. Indeed, the Data Center was unaffected by the historic 1993 flooding, when the Mississippi River overflowed its banks. Not even a heavy rainstorm could be expected to cause the kind of water pressure that could break the conduit seals and send a torrent of water into the Data Center through its electrical conduits.

water. But the equipment used to transfer the Data Center from commercial power to the standby generators was disabled because critical elements of it had been flooded. (The generator wiring runs to the point in the basement where commercial power is delivered to the building.) As a result, although the backup generators were available on December 6, they were unable to deliver necessary power to the building until the basement had been drained and dried — not only to ensure that the switching equipment would work properly, but to protect the lives of the many individuals who were working in the basement.

6. The power outage caused by the water main break significantly disrupted AT&T's own operations in St. Louis and throughout AT&T's incumbent local exchange territory. It also affected both AT&T's retail and wholesale operations throughout its 22-state region, interfering with AT&T's ability to process retail and wholesale transactions that are handled in the St. Louis Data Center. The disruption caused by the flood prevented AT&T from meeting performance standards associated with two ordering metrics under the SQM Plan: Reject Interval and Firm Order Confirmation Timeliness.

AT&T Responded Immediately and Applications Were Restored within Days

7. AT&T became aware of the water entry into the St. Louis Data Center almost immediately and urgently began intensive — and costly — efforts to restore all applications. More than 500 employees and contractors worked around the clock to resolve the effects of the flood and restore full service. AT&T even had a plane on standby at the St. Louis airport to transport data to other centers if it determined that use of alternative sites could provide a quicker restoration of service.

8. As a result of AT&T's efforts, power was restored through the backup generators the day after the flood (Sunday evening, December 7), and commercial power was restored less

than a day after that (Monday morning, December 8). Both retail and wholesale systems were performing business as usual on Tuesday morning, December 9, 2008. Final restoration of services delivered from the St. Louis Data Center was completed on Wednesday evening, December 10. By December 12, AT&T was again in full compliance with the performance requirements of the SQM Plan.

AT&T Promptly Notified the CLECs and the Commission

9. On Sunday, December 7, 2008, AT&T sent an emergency email to all CLECs by means of two established forums for wholesale operations issues — AT&T’s Change Management (“CMP”) Point of Contact List and CLEC User Forum Executive Steering Committee List — alerting the CLECs to the flood and resulting power outage.⁹ On December 8, 2008, AT&T notified each of the CLECs in the nine-state Southeast Region (the “Southeast Region CLECs”) of the flood and outage by means of an “accessible letter” sent via email and follow-up conference call.¹⁰ The letter also informed the CLECs that, because the system outage broadcast notification system had been affected, AT&T had already provided notice via the CMP Point of Contact List and CLEC User Forum Executive Steering Committee List “in order to notify CLECs as soon as possible.”

⁹ See Exhibit A.

¹⁰ See Exhibit B. Because the flood impacted the CLEC notification system, the first accessible letter issued on December 8 (Number “CLECSE08- ”, Subject: “System Outage Notification,” attached as the first two pages of Exhibit B) was sent via email. The other December 8 and 9 notifications included in Exhibit B — accessible letters CLECALLS08-044, 070 and 071, and CLECSES08-053, 054 and 076 — are available at the CLEConLine website, along with the accessible letters issued on December 10, 2008 and February 10, 2009 referred to below.

10. On December 10, 2008, AT&T issued another accessible letter (No. CLECSE08-209) to each of the Southeast Region CLECs.¹¹ The December 10 letter again notified the CLECs that, as a result of “a water main break outside the St. Louis data center” on December 6, “water flooded the building switch gear forcing a shut down of commercial and generator power to the entire building.” In addition, specifically invoking the “Performance Measures provisions of [each SEEM] agreement,” AT&T notified the Southeast Region CLECs that the event “has impacted AT&T’s ability to perform its contractual obligations[,]” and made clear that “AT&T is in the process of assessing the impact of the outage and may seek relief under applicable performance measurement and remedy plans at the appropriate time.” AT&T timely responded to various inquiries from Southeast Region CLECs regarding the situation.

11. On February 10, 2009, shortly after AT&T had compiled performance measurement results for the month of December and computed the remedy impact of the water main break, AT&T issued an “accessible letter” (No. CLECSE09-027) to each of the Southeast Region CLECs.¹² AT&T advised the CLECs that “AT&T 9-state will be filing a letter notifying the state commissions that it is invoking the force majeure provisions of the SQM/SEEM Plan (Section 4.5.2) in connection with the St. Louis data center outage, which was addressed in the accessible letter issued on December 10, 2008.” On February 11, 2009 AT&T notified this Commission in writing that it was invoking the force majeure provisions of the SEEM Plan and identified the two specific performance measures for which AT&T had invoked force majeure.¹³

ARGUMENT

¹¹ See Exhibit C. The December 8 and December 10 accessible letters were issued to CLECs in all 22 AT&T states, not just the Southeast Region CLECs.

¹² See Exhibit D.

¹³ See Exhibit E.

**The Water Main Break, Flood, and Resulting Power Outage
Constitute a “Force Majeure” Event under the SEEM Plan**

12. Section 4.5.2 of the South Carolina SEEM Plan provides in relevant part that AT&T “shall not be obligated to pay Tier-1 or Tier-2 Enforcement Mechanisms for non-compliance with a performance measurement if such non-compliance was the result of any event [such] that performance under this SQM/SEEM Plan is *either directly or indirectly prevented, restricted, or interfered with.*” (Emphasis added.)

13. Section 4.5.2 specifically lists a “flood” (together with fire, earthquake and “like acts of God”) as a force majeure event that excuses non-compliance with the Plan’s performance metrics to the extent it “directly or indirectly” interferes with AT&T’s performance.

14. There can be no serious question that the December 6 flood “directly or indirectly . . . interfered with” AT&T’s performance and that AT&T is thus not obligated to make the contested SEEM payment under the express terms of the Plan.

15. CompSouth mistakenly analogizes a water main rupture under a major city street to heavy rains that can flood a basement, and contends that the December 6 flood, and the resulting outage, were foreseeable to AT&T and should not be considered a force majeure event under the terms of the Plan. Object. ¶¶ 18-20. But there is no comparison between an ordinary basement flood due to heavy rain (run-off water) and a large water main break in a major city’s downtown commercial center that is outside AT&T’s control and that causes thousands of gallons of *pressurized* water to suddenly flood a utility vault — clearly a “circumstance[] beyond the reasonable control and without the fault or negligence” of AT&T, and thus squarely within the SEEM Plan’s definition of Force Majeure. (Section 4.5.2.).

16. The Data Center was constructed with appropriate safeguards and redundancy to handle reasonably foreseeable power outages, including those caused by basement flooding. It

has backup generators on high floors, in the event commercial power is lost. But the flooding from the municipal water main break was of an entirely different scope and magnitude than water seeping in from heavy rainfall: it was sudden, unanticipated by AT&T, and entered the building in a torrent through the electrical conduits above the switch gear (one of which was empty and thus gave the pressurized water an unimpeded path). The inundation of the Data Center's switch gear *from above*, resulting from the failure of the municipal water main, could not reasonably have been foreseen or prevented by AT&T, and it certainly is not a risk AT&T agreed to assume under the terms of the SEEM Plan.

AT&T Complied with the Notice Provisions of the SEEM Plan

17. Section 4.5.2 of the SEEM Plan requires that AT&T give prompt notice to the Commission and the CLECs of non-compliance caused by a force majeure event. As demonstrated in paragraphs 9 through 11 above, AT&T gave prompt notice to the CLECs and the Commission both in December and in February.

18. In light of the many notices AT&T sent in early December, CompSouth's suggestion that AT&T's "declaring a force majeure event" on February 11 constituted "extraordinary delay" (Object. ¶ 10) is incredible. Relying on the dictionary definition of "prompt" (Object. ¶ 9) only demonstrates how weak CompSouth's position is: by any definition, AT&T's various notices to the Southeast Region CLECs — both in December and again in February — were prompt. CompSouth does not, and cannot, claim that the CLECs were not immediately told about the force majeure "event" — and that AT&T might invoke its rights

under the SEEM Plan — so it simply ignores the December notices and makes the preposterous argument that the February 11 filing with the Commission was not “prompt” enough.¹⁴

19. That argument has no basis in fact. The “event in question” was the December 6 flood and the resulting power outage. Object. ¶ 8. As a result of the December 7 email and December 8 accessible letters, CompSouth had actual notice of the event no later than December 8. In any case, CompSouth itself *admits* that it received the December 10 notice. Object. ¶ 8. And the December 10 notice specifically told CompSouth that AT&T might seek relief from the performance standards of the SEEM plan. These notices protected the CLECs’ rights in full. The reason for requiring prompt notice of a force majeure event is to permit the notified party to take action to protect its interests. See, e.g., *Wisconsin Elec. Power Co. v. Union Pacific R.R. Co.*, 2009 WL 499354 at *4 (7th Cir. March 2, 2009) (affirming summary judgment upholding force majeure declaration and noting that plaintiff had “failed to show any detrimental reliance on the failure to receive prompt notice of the higher rate [for shipments of coal]”). Indeed, the SEEM Plan’s prompt notice provision contemplates an *ongoing* force majeure — performance is

¹⁴ CompSouth argues (Object. ¶¶ 6-8 and n.1) that the December notices failed to provide prompt notice of the information required by Section 4.5.2.1 of the SEEM Plan. That is simply not correct. The December notices *did* “identify” the force majeure event, and there were *no* impacted wire centers to tell the CLECs about at that time. As for identifying the affected measures, although AT&T knew that ordering measures were likely to be affected, it did not know in December how big an impact the flood would have on them, and which specific measures (out of the numerous ordering metrics) would be affected. Having notified the CLECs of the flood and outage, and that relief under the Plan was being considered, it was entirely reasonable (and in fact necessary) for AT&T to wait until remedies were calculated before making a formal declaration that it would seek relief from remedies and identifying specific measures for which relief would be sought. As CompSouth acknowledges (Object. ¶ 13)), Section 2.4 of the Plan gives AT&T time after each data month to assess and quantify performance remedies. AT&T promptly notified the CLECs and the Commission of the affected measures on February 11, after it had analyzed the data from the early December outage (which the CLECs already knew about). In any event, since the effect of the flood on AT&T’s performance was short-lived, there was no prejudice to the CLECs in not knowing the specific affected measures until early February.

excused “on a day to day basis to the extent” that the force majeure continues to interfere with AT&T’s performance. This could be significant if, for instance, the CLEC needed to take action to protect its own customers in the face of an ongoing performance failure. But here the emergency was quickly resolved; there was no “day to day” force majeure, and there was no immediate action any CLEC needed to take to protect its own interests, or its customers. The December 10 notice provided the Southeast Region CLECs with all of the necessary and up-to-date information available to AT&T: there had been a flood and a power outage, AT&T’s ability to perform had been temporarily affected, and AT&T was assessing the impact and “may seek relief under applicable performance measurement and remedy plans[.]” Since service was largely restored by December 10, there was no continuing service disruption and section 4.5.2.4 of the South Carolina SEEM Plan (requiring that AT&T provide the Commission with “periodic updates” of service restoration progress) did not come into play. And in any case, AT&T *did* give all CLECs progress reports on the restoration efforts throughout the four-day period during which wholesale applications were affected.

20. Having been told about the flood and system outage on December 8, and then notified in writing two days later that the event could result in a force majeure declaration, CompSouth cannot reasonably complain that there was *any* delay — much less an “extraordinary delay” — in AT&T’s notice under the Plan, including its February 11 written notification to the Commission. In any event, the Southeast Region CLECs have suffered no prejudice — and CompSouth alleges none — resulting from the February 11 notification.

21. In light of all this, CompSouth’s claim (Object. ¶ 14) that it is “highly suspect that the declaration of the force majeure event did not occur until right before AT&T would have to make the SEEM payment” relating to the December flood cannot be taken seriously. The

Southeast Region CLECs knew about the flood and resulting service disruption immediately after it occurred (and had in fact been largely resolved) in December; there was nothing those CLECs needed to do, or could have done, to protect their rights; AT&T told the CLECs up front that it would consider whether or not to seek relief under the Plan; it took time (as contemplated by the Plan) for AT&T to evaluate and quantify the effect of the flood on its performance, and thus to determine the precise measures for which AT&T would seek relief; and AT&T promptly notified the CLECs and the Commission about the specific affected measures in its February 11 written notice to the Commission. CompSouth has no basis for suggesting that its members were surprised or prejudiced by the February declaration of force majeure, much less that there is anything "suspect" about AT&T's conduct.

CONCLUSION

For the reasons set forth above, CompSouth's Objection should be overruled, and the Commission should find that AT&T South Carolina's force majeure declaration is valid under the South Carolina SEEM Plan.

Respectfully submitted, this 31st day of March 2009.

By: Patrick W. Turner
Patrick W. Turner
1600 Williams Street, Suite 5200
Columbia, South Carolina 29201
(803) 401-2900 (telephone)
(803) 254-1731 (facsimile)

ATTORNEY FOR AT&T SOUTH CAROLINA

Exhibit A

ROBY, GLENDA

From: HORTON, NAORA (ATTSWBT)
Sent: Sunday, December 07, 2008 5:33 PM
To: HORTON, NAORA (ATTSWBT); 'alagar@globalconnectioninc.com';
'bob.buerrosse@xo.com'; 'dhoyle@matrixbt.com'; DIGGS, SONYA M (ATTOPS);
'ebalvin@covad.com'; 'edkilb@dnsys.com'; 'Howard.Siegel@LogixCom.com';
'jbielow@mcleodusa.com'; 'jeff.sonnier@sprint.com'; 'jennifer.obenland@qservicesco.com';
'kdisaacs@eschelon.com'; 'knorwood@gapublicweb.net'; 'kristen.smoot@rcn.net';
'lhenneman@buckeye-telesystem.com'; 'lpeterman@choiceonecom.com';
'mconquest@nuvox.com'; 'ncarroll@birch.com'; 'pamela.blegen@qwest.com';
'pbewick@newedgenetworks.com'; 'rcurry@ststelecom.com'; 'rhester@sagetelecom.net';
'rod.cox@tdsmetro.com'; 'shobbs@megapath.net'; 'terri.mcmillon@verizonbusiness.com';
Cc: 'tjzurfluh@cavtel.com'; 'Jackson, Robin'; 'Sanders, Nancy'
'bowens@sagetelecom.net'; 'carol.j.frike@sprint.com'; 'cdelrio@covad.com';
'chuang@cinergycom.com'; 'dpeelee@ststelecom.com'; 'kgray@cavtel.com';
Subject: 'pamela.trickel@tdsmetro.com'; 'robecca.myers@qwest.com'; 'sgolladay@cimco.net'
Courtesy CMPOC Outage Notification

Outage Notification

AT&T's St. Louis data center (801 Chestnut Street) building was flooded when a water main broke. Damage to the switch gear necessitated a shutdown of commercial and generator power to the entire building. A variety of Wholesale applications, affecting both local and access services, are currently impacted in all regions, except the West region. AT&T is working aggressively to restore power and Wholesale applications. Further information detailing specific impacts from the outage and expectations for Wholesale application availability will be provided before end of day Sunday.

This notification is being sent to the Change Management Points of Contact List. The server with the Broadcast Outage Notification distribution list was impacted by this outage and so the normal Broadcast Outage Notification distribution list could not be utilized at this time.

Exhibit B



Accessible

Date: **December 8, 2008**

Number: **CLECS08-**

Effective Date:

Category: **All**

Subject: **System Outage Notification**

Related Letters: **NA**

Attachment: **Yes**

States Impacted: **Alabama, Georgia, Florida, Kentucky, Louisiana, Tennessee, Mississippi, North Carolina, South Carolina,**

Issuing ILECS: **AT&T Alabama, AT&T Georgia, AT&T Florida, AT&T Kentucky, AT&T Louisiana, AT&T Tennessee, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina (collectively referred to for purposes of this Accessible Letter as "AT&T Southeast Region")**

Response Deadline: **NA**

Contact: **Change Management Point of Contact at attcmp@att.com**

Conference Call/Meeting: **Conference Call**

Date/Time: **Monday, December 8, 2008
11:00 AM Central**

Bridge: **1-510-452-6490
Access Code: 2778383#**

RSVP to:

By: **NA**

This accessible letter is to provide current status of the power outage caused by a water main break outside the St. Louis data center (801 Chestnut Street). Water flooded the building switch gear forcing a shutdown of commercial and generator power to the entire building. A variety of Retail and Wholesale applications, affecting both local and access services, are currently impacted in all regions.

AT&T is working to resolve this issue. Power has been restored and we are in the process of recovering and validating our systems as quickly as possible.

Wholesale areas that are impacted include the following:

- LSR processing in the AT&T Connecticut, AT&T Midwest Region, AT&T Southeast Region, AT&T Missouri, AT&T Oklahoma, AT&T Kansas, and AT&T Arkansas.
- ASR processing in AT&T Connecticut, AT&T Missouri, AT&T Oklahoma, AT&T Kansas, and AT&T Arkansas.
- Billing claims processing in all AT&T regions.
- Trouble reporting in AT&T Missouri, AT&T Oklahoma, AT&T Kansas, and AT&T Arkansas.

The system outage broadcast notification system was also impacted; in order to notify CLECs as soon as possible, AT&T provided notice via the CMP Point of Contact List and CLEC User Forum Executive Steering Committee List following AT&T's assessment of the outage and its impact.

AT&T will host a conference call at 11:00 AM Central to provide current a status of our efforts. The conference call details are listed above.

Direct any questions to the CMP mailbox at attcmp@att.com.



Date: **December 8, 2008**

Number: **CLECALLS08-070**

Effective Date:

Category: **All**

Subject: **System Status**

Related Letters: **NA**

Attachment: **Yes**

States Impacted: **Illinois, Indiana, Michigan, Ohio, Wisconsin, California, Nevada, Arkansas, Kansas, Missouri, Oklahoma, Texas and Connecticut**

Issuing ILECS: **AT&T Illinois, AT&T Indiana, AT&T Michigan, AT&T Ohio, AT&T Wisconsin, AT&T California, AT&T Nevada, AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma, AT&T Texas and AT&T Connecticut (collectively referred to for purposes of this Accessible Letter as "AT&T 13-State")**

Response Deadline: **NA**

Contact: **Change Management Point of Contact at attcmp@att.com**

Conference Call/Meeting: **Conference Call**

Date/Time: **Tuesday, December 9, 2008
9:00 AM Central**

Bridge: **1-510-452-6490
Access Code: 2778383#**

This accessible letter distributes current status of systems impacted by the power outage at the St Louis data center. Commercial power has been restored to all applications.

Application	Status as of 6:00 PM Central
SORD-SW	Application validation in progress
SONAR	Application validation in progress
WEBTAXI	Application validation complete
ARIS/EXACT	Application validation complete
LASR	Varies by region LASR-SE application validation complete with backlog notification processed (approximately 12,000+) Testing and validation of other regions scheduled to begin around 9:00 PM CT
WFM	Database validation in progress
EBTA/TA	Application validation in progress

AT&T cannot guarantee that all due date will be met due to the significant impact of this event, but we are using best efforts to meet as many due dates as possible. In anticipation of higher than normal work loads, we have made arrangements with our Network organization to provide additional capability.

Regarding pulling translations, we have communicated this event with all of our impacted work force teams in order to better anticipate work impacts and associated order delays.

Wholesale customers should contact the appropriate Service Assurance center's 800# and follow the voice prompts for ticket entry. At this point in time, most of our service assurance centers have not been experiencing long wait times. If hold times become excessive or a repair issue requires escalation please use the escalation process on CLEC online or Prime Access.

AT&T is continuing the validation process and will provide an updated status via accessible letter early Tuesday morning. AT&T will also host a conference call at 9:00 AM Central on December 9, 2008 to provide current a status of our efforts. The conference call details are listed above.

Direct any questions to the CMP mailbox at attcmp@att.com.



Date: **December 8, 2008**

Number: **CLECSES08-076**

Effective Date:

Category: **All**

Subject: **System Status**

Related Letters: **NA**

Attachment: **Yes**

States Impacted: **Alabama, Georgia, Florida, Kentucky, Louisiana, Tennessee, Mississippi, North Carolina, South Carolina,**

Issuing ILECS: **AT&T Alabama, AT&T Georgia, AT&T Florida, AT&T Kentucky, AT&T Louisiana, AT&T Tennessee, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina (collectively referred to for purposes of this Accessible Letter as "AT&T Southeast Region")**

Response Deadline: **NA**

Contact: **Change Management Point of Contact at attcmp@att.com**

Conference Call/Meeting: **Conference Call**

Date/Time: **Tuesday, December 9, 2008
9:00 AM Central**

Bridge: **1-510-452-6490
Access Code: 2778383#**

RSVP to:

By: **NA**

This accessible letter distributes current status of systems impacted by the power outage at the St Louis data center. Commercial power has been restored to all applications.

Application	Status as of 6:00 PM Central
SORD-SW	Application validation in progress
SONAR	Application validation in progress
WEBTAXI	Application validation complete
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than normal work loads, we have made arrangements with our Network organization to provide additional capability.

Regarding pulling translations, we have communicated this event with all of our impacted work force teams in order to better anticipate work impacts and associated order delays.

Wholesale customers should contact the appropriate Service Assurance center's 800# and follow the voice prompts for ticket entry. At this point in time, most of our service assurance centers have not been experiencing long wait times. If hold times become excessive or a repair issue requires escalation please use the escalation process on CLEC online or Prime Access.

AT&T is continuing the validation process and will provide an updated status via accessible letter early Tuesday morning. AT&T will also host a conference call at 9:00 AM Central on December 9, 2008 to provide current a status of our efforts. The conference call details are listed above.

Direct any questions to the CMP mailbox at attcmp@att.com.



Accessible

Date: **December 9, 2008**

Number: **CLECSES08-054**

Effective Date:

Category: **All**

Subject: **System Status**

Related Letters: **NA**

Attachment: **Yes**

States Impacted: **Alabama, Georgia, Florida, Kentucky, Louisiana, Tennessee, Mississippi, North Carolina, South Carolina**

Issuing ILECS: **AT&T Alabama, AT&T Georgia, AT&T Florida, AT&T Kentucky, AT&T Louisiana, AT&T Tennessee, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina**

Response Deadline: **NA**

Contact: **Change Management Point of Contact at attcmp@att.com**

Conference Call/Meeting: **Conference Call**

Date/Time: **Tuesday, December 9, 2008
9:00 AM Central**

Bridge: **1-510-452-6490
Access Code: 2778383#**

RSVP to:

By: **NA**

This accessible letter distributes current status of systems impacted by the power outage at the St. Louis data center. This is to confirm that wholesale applications impacted by this event have been restored.

AT&T Wholesale systems are now operational. In order to minimize the risk of overloading the systems, we ask that all clients holding LSRs, ASRs or other transactions please consider releasing these transactions in a controlled manner. It is our preference that you release the work in four (4) equal parts over a four (4) hour period. That is, in the first hour, release 25% of your held transactions. In the second hour, release another 25% and so forth until 100% of your backlog has been processed. You may start sending your transactions upon receipt of this message or any time thereafter.

Application	Status as of December 9, 2008, 6:00 AM Central
SORD-SW	Application validated All regions completed batch processing and on-lines are available for users
SONAR	Application validated All regions completed batch processing and on-lines are available for users
WEBTAXI EXCLAIM	Application validated All regions completed batch processing and on-lines are available for users
ARIS/EXACT	Application validated

	All regions completed batch processing and on-lines are available for users
LASR	Application validated (MW, SE, SW, W) LASR has cleared all internal queues for all regions and order processing and messages flow is occurring IT monitoring production
WFM	Application validated Available for all users in all regions
CABS	Application validated SW CABS batch cycles for the impacted regions (MOKA and National Local) have finished processing Monday's daily cycles CABS-E – Online ICABS is up and running. Monday's bill cycle began about an hour ago
EBTA	Application validated Available for all users in all regions

Attached are the questions and responses from Monday's status call. A status call will be held at 9:00 AM CT. The conference bridge information is above.

Direct any questions to the CMP mailbox at attcmp@att.com.

Attachment



Action Items from
CLEC Call - 2008-12-(

**Action Items from CLEC Call
December 8, 2008**

Nbr	Action Item	Other Notes / Comments
1	E-911 cannot process orders; unable to upload files to the E-911 system	<p>Reported by Norene with Birch; suspicion this may be related to orders to unlock records – but needs actual investigation</p> <p>Some of the systems affected by the power interruption to the St. Louis data center were the 911 database systems used to update the address records. The last backup of these systems occurred Friday night.</p> <p>Once power was restored to the data center, this database and related applications were brought up and put online. This occurred around 1030 CST. After processing orders and requests for approximately an hour, the users were asked to exit the system so that a current backup could be made. This finished at approximately 130 CST. The systems have been put back online and are functioning normally.</p> <p>CLOSED</p>
2	Process for working transactions in AT&T queues	<p>What internal process will we use to work through the queues building up in our systems?</p> <p>LASR has cleared all of the internal queues for all regions. Order processing and message flow is occurring between the production systems.</p> <p>CLOSED</p>
3	Process for handling / processing work queued in Customer systems	<p>Do we want CLECs to hold requests or submit them, and AT&T to hold them in our queues?</p> <p>AT&T Wholesale systems are now operational. In order to minimize the risk of overloading the systems, we ask that all clients holding LSRs, ASRs or other transactions please consider releasing these transactions in a controlled manner. It is our preference that you release the work in four (4) equal parts over a four (4) hour period. That is, in the first hour, release 25% of your held transactions. In the second</p>

		<p>hour, release another 25% and so forth until 100% of your backlog has been processed. You may start sending your transactions upon receipt of this message or any time thereafter</p> <p>CLOSED</p>
4	Communicate the appropriate actions for CLEC's to take with regard to EDI 997 transactions	<p>These transactions were held in EDI and not passed to LASR so that the data would not be lost. The 997 is not processed by the EDI translator until it is sent to LASR. No need to retransmit the requests. They have been passed to LASR as part of the work queues.</p> <p>CLOSED</p>
5	Confirm status of EBTA for all regions	<p>EBTA is up and functioning. Valid messages are being received based upon the status of back end systems. All should be functioning normally at this time. System is Pending validation of all back end systems.</p> <p>CLOSED</p>
6	CLECs are concerned about AT&T queues for all regions	<p>Production queues have been cleared in all regions. Queues are being monitored.</p> <p>CLOSED</p>



Accessible

Date: **December 9, 2008**

Number: **CLECALLS08-071**

Effective Date:

Category: **All**

Subject: **System Status**

Related Letters: **NA**

Attachment: **Yes**

States Impacted: **Illinois, Indiana, Michigan, Ohio, Wisconsin, California, Nevada, Arkansas, Kansas, Missouri, Oklahoma, Texas and Connecticut**

Issuing ILECS: **AT&T Illinois, AT&T Indiana, AT&T Michigan, AT&T Ohio, AT&T Wisconsin, AT&T California, AT&T Nevada, AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma, AT&T Texas and AT&T Connecticut**

Response Deadline: **NA**

Contact: **Change Management Point of Contact at attcmp@att.com**

Conference Call/Meeting: **Conference Call**

Date/Time: **Tuesday, December 9, 2008
9:00 AM Central**

Bridge: **1-510-452-6490
Access Code: 2778383#**

RSVP to:

By: **NA**

This accessible letter distributes current status of systems impacted by the power outage at the St. Louis data center. This is to confirm that wholesale applications impacted by this event have been restored.

AT&T Wholesale systems are now operational. In order to minimize the risk of overloading the systems, we ask that all clients holding LSRs, ASRs or other transactions please consider releasing these transactions in a controlled manner. It is our preference that you release the work in four (4) equal parts over a four (4) hour period. That is, in the first hour, release 25% of your held transactions. In the second hour, release another 25% and so forth until 100% of your backlog has been processed. You may start sending your transactions upon receipt of this message or any time thereafter.

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SONAR	Application validated All regions completed batch processing and on-lines are available for users
WEBTAXI EXCLAIM	Application validated All regions completed batch processing and on-lines are available for users

ARIS/EXACT	Application validated All regions completed batch processing and on-lines are available for users
LASR	Application validated (MW, SE, SW, W) LASR has cleared all internal queues for all regions and order processing and messages flow is occurring IT monitoring production
WFM	Application validated Available for all users in all regions
CABS	Application validated SW CABS batch cycles for the impacted regions (MOKA and National Local) have finished processing Monday's daily cycles CABS-E – Online ICABS is up and running. Monday's bill cycle began about an hour ago
EBTA	Application validated Available for all users in all regions

Attached are the questions and responses from Monday's status call. A status call will be held at 9:00 AM CT. The conference bridge information is above.

Direct any questions to the CMP mailbox at attcmp@att.com.

Attachment



Action Items from
CLEC Call - 2008-12-0

**Action Items from CLEC Call
December 8, 2008**

Nbr	Action Item	Other Notes / Comments
1	E-911 cannot process orders; unable to upload files to the E-911 system	<p>Reported by Norene with Birch; suspicion this may be related to orders to unlock records – but needs actual investigation</p> <p>Some of the systems affected by the power interruption to the St. Louis data center were the 911 database systems used to update the address records. The last backup of these systems occurred Friday night.</p> <p>Once power was restored to the data center, this database and related applications were brought up and put online. This occurred around 1030 CST. After processing orders and requests for approximately an hour, the users were asked to exit the system so that a current backup could be made. This finished at approximately 130 CST. The systems have been put back online and are functioning normally.</p> <p>CLOSED</p>
2	Process for working transactions in AT&T queues	<p>What internal process will we use to work through the queues building up in our systems?</p> <p>LASR has cleared all of the internal queues for all regions. Order processing and message flow is occurring between the production systems.</p> <p>CLOSED</p>
3	Process for handling / processing work queued in Customer systems	<p>Do we want CLECs to hold requests or submit them, and AT&T to hold them in our queues?</p> <p>AT&T Wholesale systems are now operational. In order to minimize the risk of overloading the systems, we ask that all clients holding LSRs, ASRs or other transactions please consider releasing these transactions in a controlled manner. It is our preference that you release the work in four (4) equal parts over a four (4) hour period. That is, in the first hour, release 25% of your held transactions. In the second</p>

		<p>hour, release another 25% and so forth until 100% of your backlog has been processed. You may start sending your transactions upon receipt of this message or any time thereafter</p> <p>CLOSED</p>
4	Communicate the appropriate actions for CLEC's to take with regard to EDI 997 transactions	<p>These transactions were held in EDI and not passed to LASR so that the data would not be lost. The 997 is not processed by the EDI translator until it is sent to LASR. No need to retransmit the requests. They have been passed to LASR as part of the work queues.</p> <p>CLOSED</p>
5	Confirm status of EBTA for all regions	<p>EBTA is up and functioning. Valid messages are being received based upon the status of back end systems. All should be functioning normally at this time. System is Pending validation of all back end systems.</p> <p>CLOSED</p>
6	CLECs are concerned about AT&T queues for all regions	<p>Production queues have been cleared in all regions. Queues are being monitored.</p> <p>CLOSED</p>



Date: **December 8, 2008**

Number: **CLECSES08-053**

Effective Date:

Category: **All**

Subject: **System Status**

Related Letters: **NA**

Attachment: **Yes**

States Impacted: **Alabama, Georgia, Florida, Kentucky, Louisiana, Tennessee, Mississippi, North Carolina, South Carolina**

Issuing ILECS: **AT&T Alabama, AT&T Georgia, AT&T Florida, AT&T Kentucky, AT&T Louisiana, AT&T Tennessee, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina (collectively referred to for purposes of this Accessible Letter as "AT&T Southeast Region")**

Response Deadline: **NA**

Contact: **Change Management Point of Contact at attcmp@att.com**

Conference Call/Meeting: **Conference Call**

Date/Time: **Tuesday, December 9, 2008
9:00 AM Central**

Bridge: **1-510-452-6490
Access Code: 2778383#**

RSVP to:

By: **NA**

This accessible letter distributes information discussed on the System Outage Status call held on December 8, 2008 at 11:00 AM CDT. We have regained the means to send Accessible Letters via the normal distribution channel. The first attachment is the system status overview, which contains the information presented at the call and where possible, responses to questions raised during the call. The second attachment describes the process to expedite requests in the AT&T Southeast Region and AT&T Midwest Region.

During the meeting customers stated that they were having difficulty updating the E911 database. Below is the result of AT&T's research.

Some of the systems affected by the power interruption to the St. Louis data center included the 911 database systems used to update address records. The last backup of these systems occurred Friday night.

During the St. Louis Data Center outage, the E911 failover worked as designed. At no time did the outage result in loss of service to the PSAPs. There were, however redundant links down until this morning's complete restoration.

Once power was restored to the data center on Monday, this database and related applications were brought up and put online. This occurred around 10:30 AM CST. After processing orders and requests for approximately an hour, the users were asked to exit the system so that a current backup could be made. This backup finished at approximately 1:30 PM CST. The systems have been put back online and are now functioning normally.

AT&T has also determined that the CLEC profile cannot be updated at this time.

In an effort to keep customers fully informed, AT&T will provide status via accessible letter later this evening and early Tuesday morning. AT&T will host a follow up conference call at 9:00 AM Central on December 9, 2008 to provide a current status of our efforts. The conference call details are listed above.

Direct any questions to the CMP mailbox at attcmp@att.com.

Attachment 1



St Louis Data Center
Power Outage Final 2

Attachment 2



CLEC Expedite
Process

St. Louis Data Center Outage Summary

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Situation & Impact Summary

Power Outage Event

- AT&T's St. Louis data center building was flooded when a water main broke. Damage to the switch gear necessitated a shutdown of commercial and generator power to the entire building.
- AT&T experienced another power failure early Monday morning while the applications were being restored. AT&T resolved this issue around mid-morning and is working aggressively to restore to power to the Wholesale applications.
- A variety of Wholesale applications, affecting both local and access services, are currently impacted in all regions, except the West region.

Wholesale areas that are impacted include the following:

- LSR processing in the AT&T Connecticut, AT&T Midwest Region, AT&T Southeast Region (except electronically submitted LNP request), AT&T Missouri, AT&T Oklahoma, AT&T Kansas, and AT&T Arkansas.
- ASR processing in AT&T Connecticut, AT&T Missouri, AT&T Oklahoma, AT&T Kansas, and AT&T Arkansas.
- Billing claims processing in all AT&T regions.
- Trouble reporting in AT&T Connecticut, AT&T Missouri, AT&T Oklahoma, AT&T Kansas, and AT&T Arkansas.

Chronology of Events

- **Saturday afternoon, 12/06/2008**
 - Water main breakage and resulting power outage occurred
 - All recovery personnel engaged
- **Sunday, 12/07/2008**
 - Restoration of systems underway
 - Business continuity plans were activated
- **Monday early morning, 12/08/2008**
 - Working to bring up systems this morning and an issue arose with one of the emergency generators. As a result the mainframes and other systems lost power.
 - This problem has been repaired and we are in the process of bringing the mainframes back up.
 - Once this has been completed we will then begin the data base corruption checks. This will assure that we have minimal issues for application restoration. This should take approximately 2-3 hours to accomplish.
 - Applications will then be cycled up. Approximate timelines for these are as follows:
 - SORD – SW 5-10 hours
 - SONAR 5-10 hours
 - WEBTAXI 5-7 hours
 - ARIS/EXACT 2-3 hours
 - LASR 3-5 hours
 - WFM 1 hour after LASR
 - CABS 6 hours
 - We expect application teams to be able to begin system restoration around 7pm Central on Monday

Wholesale Impact Summary

- Unable to process CLEC orders in the Midwest, Southeast and Southwest (MOKA).
- Unable to process orders from Inter-exchange carriers in the Southwest. Texas is operational, except for orders requiring address validation
- Unable to process requests to other involved work groups for managing a customer's services and account in the East and Southwest. Texas is operational
- Unable to produce bills for wholesale customers in Southwest and East. This is done in a batch process and the next cycle will be Monday evening. Unable to process online billing claims and adjustments for 22 states.

Wholesale Impact Summary

Service Order Systems

- **SORD (SW):** Service Order Retrieval and Distribution for the Southwest is a mechanized, online, service order processing system for the Southwest (Missouri, Oklahoma, Kansas, Arkansas.)
- **SONAR (East):** Service Order Network and Administration and Reports for the East (Connecticut) is the service order processor for all complex and non-complex service orders.

Ordering for Interexchange Carriers (IXC's)

- **ARIS/EXACT (SW):** Exchange Access Tracking and Control System provides order entry, control, and tracking for the service reps in the ASCs. (Missouri, Oklahoma, Kansas, Arkansas)

Ordering for Local Wholesale

- **LASR:** Local Access Service Request System is the negotiation system for entry and processing of Local Service Requests (LSR's). Stores all LSRs received mechanically from CLECs Provides status of requests and associated service orders.) in the MW (Illinois, Indiana, Michigan, Ohio, and Wisconsin. It also performs similar functions for non LNP orders in the Southeast (Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee)
- **Verigate, WEBLEX and LENS:** CLEC facing systems are impacted by the issue with LASR
- **WFM:** Center workforce distribution System is not operational

Wholesale Impact Summary

Wholesale Billing

- **CABS (SW & East):** The Carrier Access Billing System bills reflect charges to customers for access service
- **Webtaxi (22 states):** A web enabled front end to allow the Service Center reps to enter claims for inter-exchange carriers. It also interfaces with the ExClaim application to manage claims that were loaded by CLECS and IXCs.

Impacts

- Batch processing completed prior to event.
- Next cycle is Monday evening
- Service Center cannot make or view billing adjustments

TEMPORARY EXPEDITE MANUAL PROCESS FOR MIDWEST AND SOUTHEAST ONLY - 12/8/2008

CLEC

AT&T will be accepting manual expedites (expedite rules apply) for the Midwest and Southeast Region only. Unfortunately we can not utilize this process for the Southwest and East Regions at this time. This process will be for restoral orders and TSP (Telecommunication Service Priority) only.

FOR ORDERS ALREADY FOCd:

Call into the LSC with the order number that was originally FOCd to get an expedited due date. The LSC needs the order number in order to work the expedite.

LSC Numbers to call:

MW 1 877 728-1200

SE 1 800 773-4967

URGENT EXPEDITE NEW REQUESTS:

Go to CLEC ONLINE. Download the manual LSR form. Fill in the necessary fields.

FAX TO:

MW 616 530-3404 (RESALE, UNEP/LWC and LNP)

MW 317 917-3113 (UNE LOOP and LNP with LOOP)

SE 205 321-5066 (RESALE, UNEP/LWC or COMPLEX)

SE 205 321-5168 (UNE LOOP and LNP with LOOP)

It is imperative that you provide a FAX number on the LSR form for the LSC to FAX back your order number and due date.



Date: **December 8, 2008**

Number: **CLECALLS08-044**

Effective Date:

Category: **All**

Subject: **System Status**

Related Letters: **NA**

Attachment: **Yes**

States Impacted: **Illinois, Indiana, Michigan, Ohio, Wisconsin, California, Nevada, Arkansas, Kansas, Missouri, Oklahoma, Texas and Connecticut**

Issuing ILECS: **AT&T Illinois, AT&T Indiana, AT&T Michigan, AT&T Ohio, AT&T Wisconsin, AT&T California, AT&T Nevada, AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma, AT&T Texas and AT&T Connecticut**

Response Deadline: **NA**

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Conference Call/Meeting: **Conference Call**

Date/Time: **Tuesday, December 9, 2008
9:00 AM Central**

Bridge: **1-510-452-6490
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By: **NA**

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Impacts

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FAX TO:

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MW 317 917-3113 (UNE LOOP and LNP with LOOP)

SE 205 321-5066 (RESALE, UNEP/LWC or COMPLEX)

SE 205 321-5168 (UNE LOOP and LNP with LOOP)

It is imperative that you provide a FAX number on the LSR form for the LSC to FAX back your order number and due date.

Exhibit C



Accessible

Date: **December 10, 2008**

Number: **CLECSE08-209**

Effective Date: **December 6, 2008**

Category: **All**

Subject: **St. Louis Data Center Water Main Break**

Related Letters: **NA**

Attachment: **NA**

States Impacted: **Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee**

Issuing AT&T ILECS: **AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina, AT&T Tennessee (collectively referred to for purposes of this Accessible Letter as "AT&T 9-State")**

Response Deadline: **NA**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

As the result of a water main break outside the St. Louis data center (801 Chestnut Street) on December 6th, water flooded the building switch gear forcing a shut down of commercial and generator power to the entire building ("the outage"). AT&T operations in all twenty-two states were affected by the outage. Pursuant to the provisions of the General Terms and Conditions section and/or the Performance Measures provisions of your agreement, AT&T is apprising you of this event and that it has impacted AT&T's ability to perform its contractual obligations. Consistent with our normal business practices, AT&T will conduct operations during this emergency in a nondiscriminatory manner, including all restoration and repair activities.

AT&T is in the process of assessing the impact of the outage and may seek relief under applicable performance measurement and remedy plans at the appropriate time. The inception date for this event was December 6, 2008 and it is expected that operations will be impacted until December 12, 2008.

Please contact your account manager if you have any questions regarding this matter.

Exhibit D



Accessible

Date: **February 10, 2009**

Number: **CLECSE09-027**

Effective Date: **Immediately**

Category: **UNE**

Subject: **Force Majeure Declaration**

Related Letters: **CLECSE08-209**

Attachment: **NA**

States Impacted: **Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee**

Issuing ILECS: **AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina and AT&T Tennessee (collectively referred to for purposes of this Accessible Letter as "AT&T Southeast Region")**

Response Deadline: **NA**

Contact: **Change Management Email Box at attcmp@att.com**

Conference Call/Meeting: **NA**

This accessible letter advises that AT&T 9-state will be filing a letter notifying the state commissions that it is invoking the force majeure provisions of the SQM/ SEEM Plan (Section 4.5.2) in connection with the St Louis data center outage, which was addressed in the accessible letter issued on December 10, 2008. The notification letters will be posted on the PMAP web site as the individual state postings are made (PMAP.wholesale@att.com).

Direct any questions to the CMP mailbox at attcmp@att.com.

Exhibit E



Patrick W. Turner
General Counsel-South Carolina
Legal Department

AT&T South Carolina
1600 Williams Street
Suite 5200
Columbia, SC 29201

T: 803.401.2900
F: 803.254.1731
patrick.turner.1@att.com
www.att.com

February 11, 2009

The Honorable Charles Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: Application of BellSouth Telecommunications, Inc. to Provide In-Region
InterLATA Services Pursuant to Section 271 of the Telecommunications Act of
1996
Docket No. 2001-209-C

Dear Mr. Terreni:

As previously noted in the correspondence and Accessible Letter filed in this docket on December 17, 2008, an unforeseeable water main break that occurred outside of AT&T's data center in St. Louis, Missouri resulted in flooding that caused a power outage in the data center ("the outage"). The outage occurred on December 6, 2008, and impacted AT&T's retail and wholesale operations throughout its 22-state region. The outage, which could not have been anticipated or prevented by AT&T, interfered with AT&T's ability to process orders that are handled in the St. Louis data center. As it relates to performance that is measured by the SQM/SEEM Plan, the outage prevented AT&T from meeting the performance standards associated with two ordering metrics – specifically the ordering measures known as Reject Interval ("RI") and Firm Order Confirmation Timeliness ("FOCT").

Accordingly, pursuant to Section 4.5.2 of the SEEM Plan,¹ BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T South Carolina") hereby declares the outage a Force Majeure Event that prevented AT&T South Carolina from meeting the performance standards associated with the RI and FOCT measures on the following dates:²

¹ SEEM Plan, Section 4.5.2 provides in relevant part that AT&T "shall not be obligated to pay Tier-1 or Tier-2 Enforcement Mechanisms (SEEM payments) for non-compliance with a performance measurement if such non-compliance was the result of any Force Majeure Event that either directly or indirectly prevented, restricted, or interfered with performance as measured by the SQM/SEEM Plan." Section 4.5.2 specifically identifies a flood as a Force Majeure Event.

² Because of AT&T's restoration and recovery efforts, the outage impacted AT&T's performance for a limited duration. Accordingly, the requirements of SEEM Sections 4.5.2.4 and 4.5.2.5 are not applicable.

The Honorable Charles Terreni
February 11, 2009
Page Two

- FOCT Fully Mechanized – December 8 and 9, 2008
- FOCT Partially Mechanized – December 8, 9, 10, 11, and 12, 2008
- RI Fully Mechanized – December 8, 2008
- RI Partially Mechanized – December 8, 9, 10, and 11, 2008

Enclosed with this filing are two documents which demonstrate the impact – on a nine-state southeast regional basis the outage had on the above-mentioned ordering measures. Because the Force Majeure Event prevented AT&T from meeting the performance standards associated with these measures on the dates identified herein, AT&T will not make any SEEM payments associated with such measures on the dates identified herein.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick W. Turner". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Patrick W. Turner

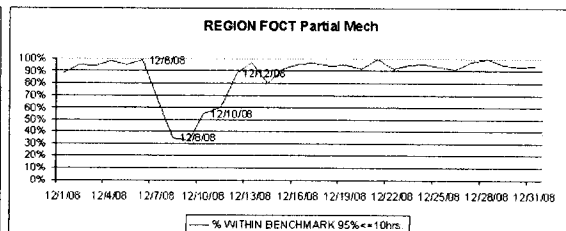
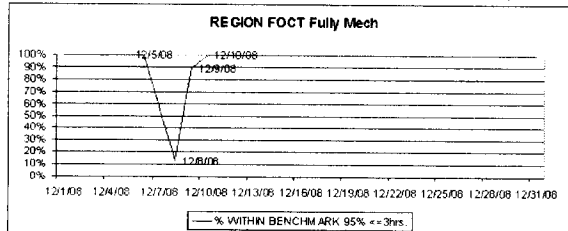
Enclosures
PWT/nml
cc: All parties of record

Nine-State Southeast Region

0-9 [FOCT]: Firm Order Confirmation Timeliness

FOCT-REGIONAL FULLY MECHANIZED				FOCT-REGIONAL PARTIALLY MECHANIZED			
DATE	TOTAL FOCT RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95% <=3hrs.	DATE	TOTAL FOCT RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95% <=10hrs.
12/1/08	22304	12	99.95%	12/1/08	1335	164	87.72%
12/2/08	21594	23	99.89%	12/2/08	1861	93	95.00%
12/3/08	19280	15	99.92%	12/3/08	1380	82	94.06%
12/4/08	18127	12	99.93%	12/4/08	1927	38	98.03%
12/5/08	15953	14	99.91%	12/5/08	1377	62	95.50%
12/6/08	3634	1	99.97%	12/6/08	327	4	98.78%
12/7/08	0	0	0.00%	12/7/08	0	0	0.00%
12/8/08	16815	14633	12.98%	12/8/08	158	103	34.81%
12/9/08	23324	2478	89.38%	12/9/08	1669	1136	31.94%
12/10/08	16916	10	99.94%	12/10/08	1761	795	54.86%
12/11/08	16919	9	99.95%	12/11/08	1331	524	60.63%
12/12/08	14105	14	99.90%	12/12/08	1227	150	87.78%
12/13/08	5018	4	99.92%	12/13/08	381	10	97.38%
12/14/08	961	0	100.00%	12/14/08	5	1	80.00%
12/15/08	21171	13	99.94%	12/15/08	1200	98	91.83%
12/16/08	17860	12	99.93%	12/16/08	1522	66	95.66%
12/17/08	18335	15	99.92%	12/17/08	1190	39	96.72%
12/18/08	17927	14	99.92%	12/18/08	1186	75	93.68%
12/19/08	14411	4	99.97%	12/19/08	1100	58	94.73%
12/20/08	4050	3	99.93%	12/20/08	490	38	92.24%
12/21/08	688	0	100.00%	12/21/08	20	0	100.00%
12/22/08	21148	6	99.97%	12/22/08	972	80	91.77%
12/23/08	16597	11	99.93%	12/23/08	1120	63	94.38%
12/24/08	10883	6	99.94%	12/24/08	1095	45	95.89%
12/25/08	1435	0	100.00%	12/25/08	6	0	0.00%
12/26/08	10725	5	99.95%	12/26/08	603	54	91.04%
12/27/08	3348	1	99.97%	12/27/08	199	6	96.98%
12/28/08	671	0	100.00%	12/28/08	8	0	100.00%
12/29/08	20346	7	99.97%	12/29/08	815	36	95.58%
12/30/08	19808	7	99.96%	12/30/08	1117	75	93.29%
12/31/08	16667	4	99.98%	12/31/08	1525	96	93.70%
TOTAL	411020	17333	95.78%	TOTAL	28907	3991	86.19%

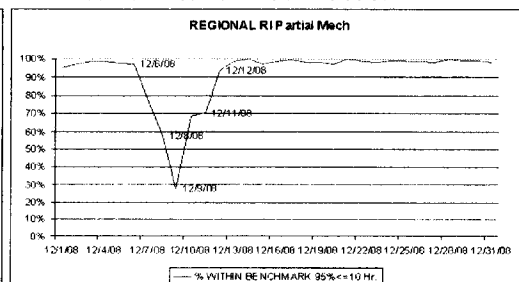
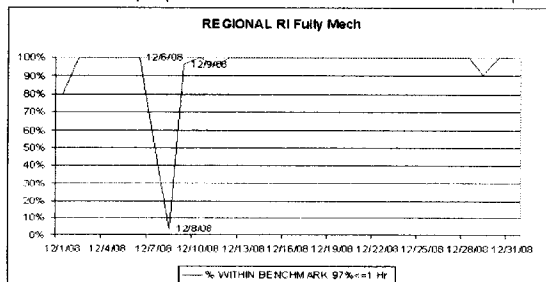
For illustrative purposes dates where there were no FOC Responses have been removed from the charts below.



Nine-State Southeast Region 0-8 [RI]: Reject Interval

RI-REGIONAL FULLY MECHANIZED				RI-REGIONAL PARTIALLY MECHANIZED			
DATE	TOTAL RI RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 97%≤1 Hr.	DATE	TOTAL RI RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95%≤10 Hr.
12/1/08	4086	815	80.05%	12/1/08	2134	104	95.13%
12/2/08	3292	4	99.88%	12/2/08	949	28	97.05%
12/3/08	3813	1	99.97%	12/3/08	1044	12	98.85%
12/4/08	3807	0	100.00%	12/4/08	1076	12	98.88%
12/5/08	3091	4	99.87%	12/5/08	1115	26	97.67%
12/6/08	958	0	100.00%	12/6/08	133	4	96.99%
12/7/08	0	0	0.00%	12/7/08	0	0	0.00%
12/8/08	3832	3681	3.94%	12/8/08	221	93	57.92%
12/9/08	4250	156	96.33%	12/9/08	1743	1261	27.65%
12/10/08	3508	0	100.00%	12/10/08	1162	365	68.59%
12/11/08	3512	170	95.16%	12/11/08	1061	312	70.59%
12/12/08	2918	0	100.00%	12/12/08	882	56	93.65%
12/13/08	1289	0	100.00%	12/13/08	156	2	98.72%
12/14/08	330	0	100.00%	12/14/08	9	0	100.00%
12/15/08	3941	0	100.00%	12/15/08	1340	40	97.01%
12/16/08	3344	1	99.97%	12/16/08	1172	13	98.89%
12/17/08	3960	0	100.00%	12/17/08	960	6	99.38%
12/18/08	3827	1	99.97%	12/18/08	909	14	98.46%
12/19/08	3377	1	99.97%	12/19/08	1058	18	98.30%
12/20/08	1052	0	100.00%	12/20/08	277	8	97.11%
12/21/08	172	0	100.00%	12/21/08	26	0	100.00%
12/22/08	3827	1	99.97%	12/22/08	1391	18	98.71%
12/23/08	3172	2	99.94%	12/23/08	969	15	98.45%
12/24/08	2499	0	100.00%	12/24/08	1001	10	99.00%
12/25/08	426	0	100.00%	12/25/08	0	0	0.00%
12/26/08	2601	1	99.96%	12/26/08	783	11	98.60%
12/27/08	831	0	100.00%	12/27/08	99	2	97.98%
12/28/08	235	0	100.00%	12/28/08	3	0	100.00%
12/29/08	3753	346	90.78%	12/29/08	981	10	98.98%
12/30/08	3950	0	100.00%	12/30/08	725	7	99.03%
12/31/08	2893	0	100.00%	12/31/08	875	19	97.83%
TOTAL	82546	5184	93.72%	TOTAL	24254	2466	89.83%

For illustrative purposes dates where there were no RI Responses have been removed from the charts below.



STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) CERTIFICATE OF SERVICE

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T”) and that she has caused AT&T South Carolina’s Letter Concerning St. Louis Data Center Water Main Break in Docket No. 2001-209-C to be served upon the following on February 11, 2009.

Florence P. Belser, Esquire
General Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
(Electronic Mail)

F. David Butler, Esquire
Senior Counsel
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Joseph Melchers
Chief Counsel
S.C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Jocelyn G. Boyd, Esquire
Staff Attorney
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Russell B. Shetterly, Esquire
P. O. Box 8207
Columbia, South Carolina 29202
(Knology of Charleston and Knology of
South Carolina, Inc.)
(Electronic Mail)

John F. Beach, Esquire
John J. Pringle, Jr., Esquire
Ellis Lawhorne & Sims, P.A.
Post Office Box 2285
Columbia, South Carolina 29202
(Resort Hospitality Services, Inc., NuVox Communications, Inc.,
AIN and Momentum Business Solutions, Inc.)
(Electronic Mail)

Marsha A. Ward, Esquire
MCI WorldCom, Inc.
Law and Public Policy
6 Concourse Parkway, Suite 3200
Atlanta, Georgia 30328
(MCI)
(Electronic Mail)

Frank R. Ellerbe, Esquire
Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, South Carolina 29202
(SCCTA)
(Electronic Mail)

Genevieve Morelli
Kelley, Drye & Warren, LLP
1200 19th Street, N.W.
Washington, D.C. 20036
(KMC Telecom III, Inc.)
(Electronic Mail)

William R. Atkinson
Director – State Regulatory Affairs
233 Peachtree Street, N.E.
Suite 2200
Atlanta, GA 30303
(Sprint/Nextel)
(Electronic Mail)

Cheryl Sweitzer
EMBARQ
14111 Capital Boulevard
Mailstop NCWKFR0303-3192
Wake Forest, North Carolina 27587
(Sprint/United Telephone)
(Electronic Mail)

Jack Derrick
EMBARQ
14111 Capital Boulevard
Mailstop NCWKFR0313-3192
Wake Forest, North Carolina 27587
(Sprint/United Telephone)
(Electronic Mail)

M. Zel Gilbert, Esquire
Director-External Affairs - Sprint
1122 Lady Street, Suite 1050
Columbia, South Carolina 29201
(Sprint/United Telephone Company)
(Electronic Mail)

Bonnie D. Shealy, Esquire
Robinson McFadden & Moore, P.C.
1901 Main Street, Suite 1200
P. O. Box 944
Columbia, South Carolina 29202
(US LEC)
(Electronic Mail)

Andrew O. Isar
Director – State Affairs
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335
(ASCENT)
(Electronic Mail)

Anthony Mastando
ITC^DeltaCom/BTI
7037 Old Madison Pike
Suite 400
Huntsville, Alabama 35806
(Electronic Mail)

Tami Azorsky, Esquire
McKenna & Cuneo, LLP
1900 K Street, N.W.
Washington, DC 20006
(AT&T)
(Electronic Mail)

Robert E. Tyson, Esquire
Sowell Gray Stepp & Laffitte, LLC
1310 Gadsden Street
Columbia, South Carolina 29211
(CompSouth)
(Electronic Mail)

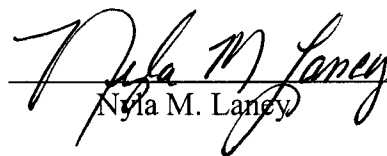

Nyla M. Laney

Exhibit F

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. P-100, SUB 133k

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Generic Docket to Address Performance)	ORDER GRANTING
Measurements and Enforcement Mechanisms)	AT&T'S NOTICE OF
)	FORCE MAJEURE
)	EVENT AND
)	COMPSOUTH'S
)	PETITION TO
)	INTERVENE

BY THE COMMISSION: Section 4.5.2 of BellSouth Telecommunications, Inc. d/b/a AT&T North Carolina's (AT&T's) Self-Effectuating Enforcement Mechanisms (SEEM) Plan (AT&T's wholesale performance penalty plan) outlines the procedures to be followed by AT&T in instances of force majeure events. AT&T's current North Carolina SEEM Plan was approved by the Commission with the most recent revisions to that Plan becoming effective in 2006.

AT&T's SEEM Plan states in pertinent part:

Section 4.5.2 BellSouth shall not be obligated to pay Tier-1 or Tier-2 Enforcement Mechanisms for non-compliance with a performance measurement if such non-compliance was the result of any event that performance under this SQM [Service Quality Measurements]/SEEM Plan is either directly or indirectly prevented, restricted, or interfered with by reason of fire, flood, earthquake or like acts of God, wars, revolution, civil commotion, explosion, acts of public enemy, embargo, acts of the government in its sovereign capacity, labor difficulties, including without limitation, strikes, slowdowns, picketing, or boycotts, or any other circumstances beyond the reasonable control and without the fault or negligence of BellSouth. BellSouth, upon giving prompt notice to the Commission and CLECs, shall be excused from such performance on a day-to-day basis to the extent of such prevention, restriction, or interference; provided, however, that BellSouth shall use diligent efforts to avoid or remove such causes of non-performance.

Section 4.5.2.1 To invoke the application of Section 4.5.2 (Force Majeure Event), BellSouth will provide written notice to the Commission wherein BellSouth will identify the Force

Majeure Event, the affected measures, and the impacted areas including affected NPAs and NXXs.

Section 4.5.2.2 No later than ten (10) business days after BellSouth provides written notice in accordance with Section 4.5.2.1 affected parties must file written comments with the Commission to the extent they have objections or concerns regarding the application of Section 4.5.2.

Section 4.5.2.3 BellSouth's written notice of the applicability of Section 4.5.2 would be presumptively valid and deemed approved by the Commission effective thirty (30) calendar days after BellSouth provides notice in accordance with Section 4.5.2.1. The Commission may require BellSouth to provide a true-up of SEEM fees to affected carriers if a Force Majeure declaration is found to be invalid by the Commission after it has taken effect.

Section 4.5.2.4 During the pendency of a Force Majeure Event, BellSouth shall provide the Commission with periodic updates of its restoration/recovery progress and efforts as agreed upon between the Commission Staff and BellSouth.

On December 15, 2008, AT&T filed a letter informing the Commission that a water main break occurred outside of AT&T's data center in St. Louis, Missouri on December 6, 2008. AT&T noted that the water main break resulted in flooding that caused a power outage in the data center. AT&T maintained that this outage impacted AT&T's operations throughout its 22-state region. AT&T stated that carriers had been notified of the outage via the Accessible Letter (AL) process. AT&T provided a copy of the AL for the Commission's review. The AL is dated December 10, 2008 and notes that the flood occurred which required AT&T to shut down its commercial and generator power to the entire building. The AL also noted that AT&T was in the process of assessing the impact of the outage and that AT&T may seek relief under applicable performance measurement and remedy plans at the appropriate time.

On February 11, 2009, AT&T filed a notice pursuant to Section 4.5.2 of its SEEM Plan declaring the December 2008 outage a Force Majeure Event that prevented AT&T from meeting the performance standards associated with the Reject Interval (RI) and Firm Order Confirmation Timeliness (FOCT) measures on the following dates:

- FOCT Fully Mechanized – December 8 and 9, 2008
- FOCT Partially Mechanized – December 8, 9, 10, 11, and 12, 2008
- RI Fully Mechanized – December 8, 2008
- RI Partially Mechanized – December 8, 9, 10, and 11, 2008

AT&T maintained that Section 4.5.2 of the SEEM Plan specifically identifies a flood as a Force Majeure Event. AT&T filed two documents with its notice which AT&T maintained demonstrate the impact the outage had on the RI and FOCT measures on a regional basis. AT&T stated that, because the Force Majeure Event prevented AT&T from meeting the performance standards associated with these measures on the dates identified, AT&T will not make any SEEM payments associated with such measures on the dates identified in its notice.

On February 20, 2009, in accordance with Section 4.5.2.2 of AT&T's SEEM Plan, the Competitive Carriers of the South, Inc. (CompSouth) filed: (1) a Petition to Intervene in this docket; and (2) Objections to AT&T's Declaration of Force Majeure Event¹. No other party provided any written comments in this regard.

In its Petition to Intervene, CompSouth noted that its members are competing local providers (CLPs) for whom the performance requirements and SEEM Plan are intended to protect from anticompetitive behavior and that CompSouth and its members will be substantially affected by action taken in this docket.

The Commission finds it appropriate to grant CompSouth's Petition to Intervene in this proceeding.

In its Objections to AT&T's Declaration of Force Majeure Event, CompSouth recommended that the Commission find: (1) that AT&T did not provide proper notice of the event; (2) that this event was not a Force Majeure Event; and (3) that AT&T should be required to make all payments required under the SEEM Plan.

CompSouth noted that Force Majeure Events are addressed in Section 4.5 of the SEEM Plan. CompSouth stated that Section 4.5.2 requires AT&T to give the Commission and CLPs "prompt" notice of a Force Majeure Event. CompSouth argued that, in this instance, AT&T failed to comply with Sections 4.5.2 and 4.5.2.1 of the SEEM Plan because it did not give prompt notice of the alleged Force Majeure Event. CompSouth noted that the event in question occurred in AT&T's St. Louis data center on December 6, 2008. CompSouth noted that, on December 10, 2008, AT&T provided an Accessible Letter apprising CLPs of the event. CompSouth further maintained that, on December 11, 2008², AT&T sent the Commission a letter "as information" regarding the St. Louis power outage. CompSouth argued that neither of these communications complies with or comprises the notice required by Sections 4.5.2 and 4.5.2.1. CompSouth asserted that Section 4.5.2.1 requires AT&T to "identify the Force Majeure Event, the affected measures, and the impacted wire centers³, including affected NPAs

¹ It appears that CompSouth filed a copy of objections meant to be filed in another state due to: incorrect verification page, incorrect name of Commission Clerk, and incorrect filing dates of various documents.

² The letter was dated and filed with the Commission on December 15, 2008.

³ SEEM Plan language actually says "areas" and not "wire centers".

and NXXs.” CompSouth argued that this required information was not provided until AT&T’s February 10, 2009 letter⁴. Further, CompSouth maintained that AT&T waited for over two months to file its declaration of a Force Majeure Event.

CompSouth noted that Merriam-Webster’s Dictionary defines “prompt” as, “being ready and quick to act as occasion demands” or “performed readily or immediately.” CompSouth argued that a two-month delay in providing notice of a Force Majeure Event cannot, under any set of imaginable circumstances or any reasonable definition, be equated with the “prompt” notice the SEEM Plan requires for a Force Majeure declaration⁵. CompSouth asserted that AT&T has provided absolutely no reason for such an extraordinary delay in declaring a Force Majeure Event.

CompSouth maintained that it appears that AT&T did not declare this incident to be a Force Majeure Event until after it calculated the SEEM payments that would be due as a result of its failure to comply with the applicable SQMs. CompSouth noted that this can be seen by reviewing the timeframe for SEEM payments related to this event.

CompSouth stated that Section 4.4.1 of the SEEM Plan provides that AT&T must remit SEEM payments on the day on which the final validated SEEM reports are posted in accordance with Section 2.4 of the SEEM Plan. CompSouth maintained that Section 2.4 provides that final validated SEEM reports will be posted on the 15th day of the month following the posting of the final validated SQM reports for that data month. CompSouth noted that Section 2.3 provides that final SQM reports will be posted by no later than the last day of the month following the date in which the activity occurred.

CompSouth asserted that, thus, in this case, the final validated SQM report for the December 6, 2008 event was posted on January 31, 2009 and the SEEM payments related to that event were due on February 15, 2009. CompSouth maintained that it is highly suspect that the declaration of the Force Majeure Event did not occur until right before AT&T would have to make the SEEM payment for an event occurring over two months ago.

CompSouth further stated that the St. Louis outage does not qualify as a Force Majeure Event. CompSouth asserted that, according to AT&T’s February 10, 2009⁶ letter, a water main break outside of AT&T’s data center in St. Louis resulted in a flood that caused a power outage in the data center. CompSouth noted that AT&T claimed that this water main break was “unforeseeable” and could not have “been anticipated or prevented by AT&T. . .” CompSouth maintained that it strongly disagrees.

⁴ AT&T’s written notice was filed on February 11, 2009.

⁵ CompSouth referenced several court cases including: (1) *O & M Industries v. Smith Engineering Company, a/k/a Smith Environmental Corporation, et als*; 360 N.C. 263, 624 S.E.2d 345 (2006); (2) *City of Miami Beach v. Royal Castle System, Inc.*, 126 So.2d 595, 598 (Fl. 3rd DCA 1961); and (3) *Rheinberg-Kellerei GMBH v. Vineyard Wine Company, Inc.*, 53 N.C. App. 560, 281 S.E.2d 425 (1981).

⁶ AT&T’s written notice was filed on February 11, 2009.

CompSouth noted that Section 4.5.2 of the SEEM Plan defines a Force Majeure Event, in part, as one that prevents AT&T from complying with the SQM/SEEM Plan because it is "beyond the reasonable control and without the fault or negligence of (BellSouth) [AT&T]." CompSouth argued that AT&T's attempt to label the event a "flood" does not, on its own, make the December 6, 2008 incident a Force Majeure Event. CompSouth asserted that, not only was the "flood" foreseeable, it appears that it was a power outage that prevented AT&T from meeting the SQM standards. CompSouth maintained that this outage was caused by AT&T's failure to properly plan for such a foreseeable event.

CompSouth stated that the likelihood that a basement may flood is certainly a foreseeable event. CompSouth asserted that most people would agree that a basement flood is likely to occur in any number of scenarios, including instances of heavy rain or snow, as well as when a water main breaks. CompSouth noted that if electrical equipment is kept in the basement, it is certainly foreseeable that such equipment might be affected.

CompSouth maintained that it understands that the reason the power to the building failed (the actual cause of the outage) was not because of the water; rather, it was because AT&T could not isolate the equipment in the basement affected by the water main break and therefore had to turn off the power to the entire building.

CompSouth argued that, had AT&T had the proper procedures in place, it could have quickly isolated the equipment in the basement. CompSouth maintained that, in that instance, AT&T would not have been required to shut down power to the entire building. CompSouth argued that AT&T's failure to properly plan for power outages, which are certainly common, foreseeable events, does not qualify as a Force Majeure Event. CompSouth asserted that AT&T's failure to anticipate and appropriately react to a power outage is not a Force Majeure Event.

CompSouth further asserted that AT&T's failure to have redundancy in place so as to deal with power outage situations is also simply a case of poor planning, not a Force Majeure Event. CompSouth noted that it understands that AT&T is now addressing redundancy requirements in its data centers.

CompSouth also noted that Section 4.5.2.3 of the SEEM Plan provides that AT&T's invocation of the Force Majeure provision in Section 4.5.2 shall be presumptively valid 30 days after notice is provided in accordance with Section 4.5.2.1. CompSouth asserted that such notice was not provided in accordance with the SEEM Plan; therefore, AT&T's Force Majeure declaration is not presumptively valid and should not automatically go into effect.

CompSouth recommended that the Commission further investigate this event and not permit AT&T to withhold any SEEM payments.

CompSouth proposed that the Commission find that AT&T failed to give prompt notice regarding its declaration of a Force Majeure Event as required by the SEEM Plan, that the St. Louis outage in question is not a Force Majeure Event as it was foreseeable and the result of AT&T's poor planning and procedures, and that AT&T is required to make the payments under the SEEM Plan.

The Commission notes that the Force Majeure provisions in AT&T's North Carolina SEEM Plan are not the model of clarity. Section 4.5.2 provides a general discussion of Force Majeure events, defines such events, and states that "BellSouth, upon giving prompt notice to the Commission and CLECs, shall be excused from such performance on a day-to-day basis to the extent of such prevention, restriction, or interference; provided, however, that BellSouth shall use diligent efforts to avoid or remove such causes of non-performance." The Commission believes that the notice AT&T provided on December 15, 2008 to the Commission and on December 10, 2008 to the CLPs via an Accessible Letter constitutes the "prompt notice" required in Section 4.5.2. It is reasonable to expect that AT&T must promptly inform CLPs and state Commissions when its performance is compromised by potential Force Majeure events and the December 15th and December 10th notices were sufficiently prompt. However, those notices did not invoke (and were not intended to invoke) the Force Majeure provision of the SEEM Plan.

Section 4.5.2.1 of the SEEM Plan provides the specific procedure for AT&T to follow to declare a Force Majeure Event. In that Section, the language says "[t]o invoke the application of Section 4.5.2 (Force Majeure Event), BellSouth will provide written notice to the Commission wherein BellSouth will identify the Force Majeure Event, the affected measures, and the impacted areas including affected NPAs and NXXs." In this Section, AT&T is not required to provide any notice to CLPs, only to the state Commission⁷ and the word "prompt" is not included when describing the written notice. Therefore, the Commission believes that it is reasonable to assume that Section 4.5.2.1 requires a separate written notice like the one filed with the Commission by AT&T on February 11, 2009.

After reviewing the filings in this proceeding, the Commission finds that the water main break that occurred outside of AT&T's St. Louis data center on December 6, 2008 should be found to be a Force Majeure Event under AT&T's North Carolina SEEM Plan. The Commission is not persuaded by any of the objections raised by CompSouth in this matter. Although there is not a great deal of detailed information, the Commission does not believe that a water main break which necessitated the shutting down of power to a building could be AT&T's fault or the result of any negligence on AT&T's part. The AL notes that all commercial and generator power to the building needed to be shut down due to the water, which indicates that backup power was available but not usable due to the water in the building. The Commission is satisfied that this event should be classified as a Force Majeure Event.

⁷ AT&T's written filing to the Commission would include copies to all parties of record.

Further, the Commission notes that the procedural steps to be followed when AT&T files written notice of a Force Majeure Event are not without ambiguity either. Section 4.5.2.2 allows affected parties to file written comments no later than 10 business days following AT&T's written notice with the Commission to the extent they have objections or concerns regarding AT&T's written notice of a Force Majeure Event. CompSouth made a timely filing on February 20, 2009 outlining its objections. However, Section 4.5.2.3 notes that AT&T's written notice is presumptively valid and deemed approved by the Commission effective 30 calendar days after AT&T provides its written notice in accordance with Section 4.5.2.1⁸. The SEEM Plan also notes that the Commission may require AT&T to provide a true-up of SEEM fees if a Force Majeure declaration is found to be invalid by the Commission after it has taken effect. The Commission has found it appropriate to issue this Order to address AT&T's written notice of Force Majeure Event due to the objections filed by CompSouth; if no objections were filed, the filing would have been deemed approved unless the Commission determined it to be invalid at some later date not limited by the language in the SEEM Plan.

IT IS, THEREFORE, ORDERED as follows:

1. That CompSouth's Petition to Intervene is hereby granted.
2. That AT&T's February 11, 2009 written notice of a Force Majeure Event is hereby granted.

ISSUED BY ORDER OF THE COMMISSION.

This the 10th day of March, 2009.

NORTH CAROLINA UTILITIES COMMISSION



Patricia Swenson, Deputy Clerk

bp030909.01

⁸ That date would be Friday, March 13, 2009.

Exhibit G

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE)	
PROPRIETY OF PROVISION OF INTERLATA)	
TELECOMMUNICATIONS, INC., PURSUANT)	2001-00105
<u>ACT OF 1996</u>)	
PETITION OF BELLSOUTH)	
ESTABLISHMENT OF A NEW PERFORMANCE)		2004-00391
<u>PLAN</u>)	

AFFIDAVIT OF ROSS BAWCUM

ROSS BAWCUM, being first duly sworn, states the following:

1. I am the Assistant Vice President for IT Operations at AT&T Services Inc. in Dallas, Texas. I am a resident of Dallas County, Texas and am over the age of 18. I state the following on personal knowledge and on information I learned or events I observed in connection with my employment at AT&T Services Inc.
2. I am responsible for the nationwide management of all IT data center operations for AT&T in each of its 22 states, including the St. Louis data center that flooded on December 6, 2008. I oversaw and was responsible for the recovery effort at the St. Louis data center following the December 6 flood.
3. On Saturday afternoon, December 6, 2008, a massive rupture in a city-maintained ten-inch water main flooded the basement of the AT&T St. Louis Data Center, located at Ninth and Chestnut in St. Louis, Missouri (the "St. Louis Data

Center”), causing the total loss of commercial, and then generator, electrical power for the entire building.

4. The St. Louis Data Center, like many buildings in downtown metropolitan areas, receives its electrical power through huge underground cables. The cables deliver power to the building’s primary switch gear, which because of its size is typically housed in the basement or sub-basement of large urban commercial buildings, often (as in this case) in more than one room. Four steel-tube electrical conduits carry the electric cables into the Data Center. Those cables run adjacent to, and above, the electrical switch gear, a common configuration for large urban buildings.

5. Water from the broken municipal main quickly filled an immediately adjacent underground electric utility vault, creating a pool of water under the street that was pressurized at approximately 60 psi (the pressure level for water mains in downtown St. Louis). The utility vault is constructed from brick, and the pressurized water quickly filled the vault and the conduits themselves by penetrating the voids in the mortar between the bricks. The pressurized water flowed directly into the building through the conduits and flooded the rooms in which the switch gear is housed with fourteen inches of water.

6. The water main that broke, causing the flooding and resulting power outage, is owned and maintained by the City of St. Louis. The water main break and resulting flooding of the switch gear was unforeseeable to AT&T and beyond AT&T’s control.

7. The St. Louis Data Center has substantial redundancy and diversity for both commercial and generator power equipment, and is designed to protect against

power outages from flooding caused by heavy rains, where water falls onto street and building surfaces and gravity causes it to flow through well-designed drainage systems. For example, the Data Center has backup generators on the penthouse level and on the roof that were not touched by the flood water. But the equipment used to transfer the Data Center from commercial power to the standby generators was disabled because critical elements of it had been flooded. (The generator wiring runs to the point in the basement where commercial power is delivered to the building.) As a result, although the backup generators were available on December 6, they were unable to deliver necessary power to the building until the basement had been drained and dried—not only to ensure that the switching equipment would work properly, but to protect the lives of the many individuals who were working in the basement.

8. The power outage caused by the water main break significantly disrupted AT&T's own operations in St. Louis and throughout AT&T's incumbent local exchange territory. It also affected both AT&T's retail and wholesale operations throughout its 22-state region, interfering with AT&T's ability to process retail and wholesale transactions that are handled in the St. Louis Data Center. The disruption caused by the flood prevented AT&T from meeting performance standards associated with two ordering metrics under the SQM Plan: Reject Interval and Firm Order Confirmation Timeliness.

9. AT&T became aware of the water entry into the St. Louis Data Center almost immediately and urgently began intensive—and costly—efforts to restore all applications. More than 500 employees and contractors worked around the clock to resolve the effects of the flood and restore full service. AT&T had a plane on standby at

the St. Louis airport to transport data to other centers if it determined that use of alternative sites could provide a quicker restoration of service.

10. As a result of AT&T's efforts, power was restored through the backup generators the day after the flood (Sunday evening, December 7), and commercial power was restored less than a day after that (Monday morning, December 8). Both retail and wholesale systems were performing business as usual on Tuesday morning, December 9, 2008. Final restoration of services delivered from the St. Louis Data Center was completed on Wednesday evening, December 10. By December 12, AT&T was again in full compliance with the performance requirements of the SQM Plan.

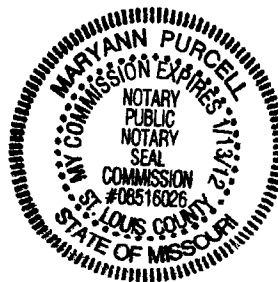
* * *

I declare under penalty of perjury that the foregoing is true and correct.


Ross Bawcum

Signed and sworn to before me
this 17th day of March, 2009





CERTIFICATE OF SERVICE

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T") and that she has caused AT&T South Carolina's Response to CompSouth's Objection to Declaration of Force Majeure Event in Docket No. 2001-209-C to be served upon the following on March 31, 2009:

Florence P. Belser, Esquire
General Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
(Electronic Mail)

F. David Butler, Esquire
Senior Counsel
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Joseph Melchers
Chief Counsel
S.C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Jocelyn G. Boyd, Esquire
Staff Attorney
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Russell B. Shetterly, Esquire
P. O. Box 8207
Columbia, South Carolina 29202
(Knology of Charleston and Knology of
South Carolina, Inc.)
(Electronic Mail)

John F. Beach, Esquire
John J. Pringle, Jr., Esquire
Ellis Lawhorne & Sims, P.A.
Post Office Box 2285
Columbia, South Carolina 29202
(Resort Hospitality Services, Inc., NuVox
Communications, Inc., AIN Momentum Business
Solutions, Inc. and CompSouth)
(Electronic Mail)

Marsha A. Ward, Esquire
MCI WorldCom, Inc.
Law and Public Policy
6 Concourse Parkway, Suite 3200
Atlanta, Georgia 30328
(MCI)
(Electronic Mail)

Frank R. Ellerbe, Esquire
Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, South Carolina 29202
(SCCTA)
(Electronic Mail)

Genevieve Morelli
Kelley, Drye & Warren, LLP
1200 19th Street, N.W.
Washington, D.C. 20036
(KMC Telecom III, Inc.)
(Electronic Mail)

William R. Atkinson
Director – State Regulatory Affairs
233 Peachtree Street, N.E.
Suite 2200
Atlanta, GA 30303
(Sprint/Nextel)
(Electronic Mail)

Cheryl Sweitzer
EMBARQ
14111 Capital Boulevard
Mailstop NCWKFR0303-3192
Wake Forest, North Carolina 27587
(Sprint/United Telephone)
(Electronic Mail)

Jack Derrick
EMBARQ
14111 Capital Boulevard
Mailstop NCWKFR0313-3192
Wake Forest, North Carolina 27587
(Sprint/United Telephone)
(Electronic Mail)

M. Zel Gilbert, Esquire
Director-External Affairs - Sprint
1122 Lady Street, Suite 1050
Columbia, South Carolina 29201
(Sprint/United Telephone Company)
(Electronic Mail)


Bonnie D. Shealy, Esquire
Robinson McFadden & Moore, P.C.
1901 Main Street, Suite 1200
P. O. Box 944
Columbia, South Carolina 29202
(US LEC)
(Electronic Mail)

Andrew O. Isar
Director – State Affairs
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335
(ASCENT)
(Electronic Mail)

Anthony Mastando
ITC^DeltaCom/BTI
7037 Old Madison Pike
Suite 400
Huntsville, Alabama 35806
(Electronic Mail)

Tami Azorsky, Esquire
McKenna & Cuneo, LLP
1900 K Street, N.W.
Washington, DC 20006
(AT&T)
(Electronic Mail)

Robert E. Tyson, Esquire
Sowell Gray Stepp & Laffitte, LLC
1310 Gadsden Street
Columbia, South Carolina 29211
(CompSouth)
(Electronic Mail)



Nyla M. Laney